

DEVELOPMENT IMPACT STATEMENT

FOR

PMLRA PIZZA, INC.

281 Concord Street

FRAMINGHAM, MA 01701

DATED: February, 2016

DEVELOPMENT IMPACT STATEMENT

PMLRA Pizza, INC.

FRAMINGHAM, MASSACHUSETTS

February, 2016

Owner: 281 Concorsd Street, LLC
281 Concord Street
Framingham, Massachusetts 01701

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Petitioner: PMLRA Pizza, INC.
15 Bassin Lane
Scituate, Massachusetts 02066

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- A. March 31, 2003 Planning Board Special Permit/Site Plan Decision.
- B. March 11, 2014 Zoning Board of Appeals Special permit.

Applications

- A. Application Cover Letter Form A and Building Dept. Form
- B. Request for Modification Application – Form G.
- C. Special Permit Application – Form L.
Other – Section IV.5.B.2.d. – Tandem Parking

I. Description of Project

1.1 Development History

The subject Premises is located in a Business 1 Zoning District, the zoning for which was created by an Amendment of the Zoning Map by Town Meeting in 2002. Commercial use of the property was established prior to the adoption of zoning in the Town of Framingham. In 1960, the owner of the Premises, Albert McManus, received approval to tear down the former gasoline station and replace it with a new and modern station. The property has been used by Albert McManus as a gasoline service station and repair station for over 40 years. In 2003, Special Permit and Site Plan approvals were received for the use of the Premises for a dry cleaner (copy attached). In 2003, with the redevelopment of the Site for the dry cleaner, the paved area of the site was reduced by more than two hundred (200) square feet to create the existing paved parking lot. In addition, a ten (10) foot buffer was created along Concord and Lawrence Streets.

1.2 Project Description

The Premises was acquired by 281 Concord Street in February of this year by 281 Concord Street, LLC. The Petitioner will be the tenant of the Premises. In connection with the acquisition, the Petitioner proposes to use the existing building for a Domino's Pizza Shop. As shown on the Site Plan prepared by Drake Associates, with the exception of stripping the parking area, and a small area of increased pavement, there are no other changes proposed to the Site.

In 2014, the Zoning Board of Appeals issued a Special Permit (copy attached) authorizing the use of the Premises for a restaurant.

The proposal is to establish a Domino's Pizza Shop with ten (10) seats. A facility with ten (10) seats and eight (8) employees (largest shift and includes delivery personnel (four (4) employees and four (4) delivery personnel)) requires nine (9) parking spaces. As shown on the Plan, with tandem parking, nine (9) parking spaces are provided. A Special Permit, pursuant to Section V. B. 2. d., to allow tandem/blocked for employees as requested.

The change to allow the use of the site for a Domino's Pizza Shop will have no impact beyond the present authorized use of the Site. As noted, the Premises presently is permitted for use with a reduction in parking. Ten (10) spaces were required for the retail use (1,700 square feet) with two (2) employees, however only six (6) spaces were created. Accordingly, the proposed requires less parking than the retail use and provides more parking than for the retail use.

Specifically, the present single-story dry cleaner will be converted to a ten (10) seat Domino's Pizza Shop. No site changes are proposed except for the re-stripping of the parking lot and a minor expansion for the parking. As no Site changes are proposed there will be no blasting or soil compaction activity.

The Plans submitted show the proposed re-stripping and increased pavement (approximately 200 square feet from 3,908 square feet to 4,108 square feet). As noted, prior to the changes to the Site in 2003, there was over 4,900 square feet of impervious coverage. The Site was extensively landscaped with the conversion of the space to the dry cleaners in 2003.

The use of the existing structure for the ten (10) seat restaurant with eight (8) employees requires nine (9) parking spaces pursuant to the requirements of the Zoning By-Law (one (1) space per two (2) seats plus one (1) space per two (2) employees). As depicted on the Plans, nine (9) parking spaces are provided. The nine (9) spaces include tandem spaces for use by employees. The parking spaces as well as the aisles also comply with the dimensional requirements of the By-Law.

The details of the Loading Facility, HVAC and trash disposal are shown on the Site Plan. The Facility will be open, as authorized by the Zoning Board of Appeals, Sunday through Thursday from 11:00 a.m. to midnight and Friday and Saturday from 11:00 a.m. to 1:00 a.m. Employee cleaning and preparation will be one to two hours before and after the hours of operation.

II. Environmental Assessment

2.1 Potential Impacts

As noted, no site changes are proposed except for re-stripping and an increase of approximately 200 s.f. of impervious coverage there should be no environmental impacts.

2.1.1 Air Quality

Since there are no significant site changes there should be no impact to adjacent properties.

2.1.2 Surface Water

The small increase in impervious coverage (approx. 200 square feet) will have no impact to the area, as prior to 2003 impervious coverage of the site was substantially more impervious than proposed. The drainage design was approved in 2003, with the Site Plan Approval for the dry cleaners.

2.1.3 Ground Water

There are no wells on the Site or in the area so there will be no impact to ground water.

2.1.4 Flooding, Erosion & Sedimentation

As the site change is only to provide an additional 200 square feet of impervious coverage over the existing condition, there will be no flooding, erosion or sedimentation problems.

2.1.5 Hazardous Materials

The use of hazardous materials other than standard cleaning products is not anticipated. Any hazardous material will be disposed in accordance with regulatory requirements.

2.1.6 Temperature and Wind Conditions

As there is no change to the building there will not be any impact to temperature and wind conditions.

2.1.7 Light and Noise Impacts

The replacement of the dry cleaners with the new use will not create any significant light or noise impact.

2.2 Systems Capacity

Municipal service lines to the Facility were installed with the change in use in 2003 and are of sufficient size to handle the demands of the new use.

2.2.1 Water Demand

The Project similarly will not have any significant impact upon the water system. By regulation, the restaurant generates 200 g.p.d. The dry cleaners generated 85 g.p.d. The 115 g.p.d. increase over the prior use can be handled within the existing municipal system. User fees for water service will be paid.

2.2.2 Sewerage Disposal

Similarly, sewer flows will be minimal as a result of the change in the use. Sewer services will use the existing connection. The sewer line on Concord Street is of sufficient size to accommodate the needs of the facility.

2.2.3 Solid Waste Disposal

A private waste disposal company will be hired, so there will be no impact upon municipal services.

III. Community Impact Assessment

3.1 Site Design Compatibility

The restaurant will provide services to residents in a manner consistent with the commercial uses in the area.

3.2 Development Goals/Urban Design

The proposed use is an allowed use subject to a Special Permit and is consistent with the commercial uses in the area. The design of the Project complies with all requirements, except as noted, for the use of employee tandem spaces, which require a Special Permit from the Planning Board. The Site is located on Route 126 and has

direct access to sidewalks. No new lots or roadways are being created so no new sidewalks or pedestrian crossings are necessary.

3.3 Land Disturbance

As only minor changes to the Site are proposed the Project does not impact the Requirements of the Land Disturbance Provisions of the By-Law.

3.4 Historical Impact

There will be no Historic impact as there are no identified historical buildings within the vicinity of the Project.

3.5 Signage

The Project includes the proposal for both a standing sign and wall signs. All the signs comply with the requirements of the Sign By-Law.

IV. Parking/Traffic Impact

The use of the existing structure for the ten (10) seat restaurant with eight (8) employees requires nine (9) parking spaces pursuant to the requirements of the Zoning By-Law (one (1) space per two (2) seats plus one (1) space per two (2) employees). As depicted on the Plans, nine (9) parking spaces are provided. The nine (9) spaces include tandem spaces for use by employees. The parking spaces as well as the aisles comply with the dimensional requirements of the By-Law. Access is directly onto Route 126 via the existing curb cut. It is not anticipated that the change in traffic will have any impact upon the regional nature of Route 126. No mitigation measures are necessary.

V. Site Plan Content Scope

It is estimated that the modification of the Site will take less than thirty (30) days. Modifications to the interior for the fit out of the proposed restaurant will also take approximately thirty (30) days.

As noted, prior to the Site changes in 2003, the Site contained more impervious coverage than exists today as a result of its having an access onto Laurence Street. It is estimated that the impervious coverage was once 5,300 square feet. Accordingly, although the proposed changes will establish an impervious coverage of approximately 5,100 square feet, there should not be any drainage impact.

The Content in Scope of Applications for Site Plan Review refers to Urban Design and has a requirement for a written summary of the Urban Design objectives. The property is not located within the Central Business District. Accordingly, the Urban Design does not apply to the proposed Project. In any event, the use of the existing building with its brick façade in proximity to the street satisfies the purpose and intent of the Design Guidelines.

The Drainage System will be maintained in accordance with the 2003 Special Permit which requires the regular maintenance of the facilities, including the inspection and cleaning of the catch basins annually.

Various sections of the Development Impact Statement address the other written requirements of the Content of Site Plan Review Applications which are applicable to the Minor Site Plan Application.

VI. Standards for Approval

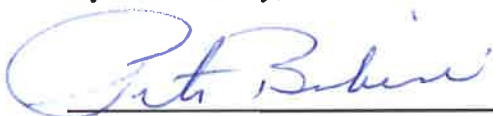
The information submitted with this Application, including the Development Impact Statement, and Site Plan; detail the change in use as being in compliance with

applicable requirements, except for the use of tandem spaces for which a Waiver is requested, thereby allowing for the approval of these Applications.

VII. Conclusion

The Petitioner respectfully requests that the Framingham Planning Board approve the Modification of Site Plan/Special Permit Decision and Special Permit Applications, authorizing the use of the Premises for a Domino's Pizza Shop.

PMLRA PIZZA, INC.
By its Attorney,



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**DECISION OF THE
FRAMINGHAM PLANNING BOARD ON
APPLICATION OF L.C. REALTY TRUST
SPECIAL PERMIT FOR REDUCTION IN THE REQUIRED
NUMBER OF PARKING SPACES AND
SITE PLAN REVIEW UNDER SECTION IV.1.2.a.
DATE OF DECISION: MARCH 31, 2003**

STATEMENT OF FACTS

On December 4, 2002, the Applicant, L.C. Realty Trust ("Applicant") filed with the Planning Board and with the Town Clerk, Applications for Site Plan Approval, pursuant to Section IV.I of the Framingham Zoning By-law (the "By-law") and a Special Permit for Reduction in the Required Number of Parking Spaces, pursuant to Section IV.B.1.c of the By-law, with respect to all such applications, in accordance with Massachusetts General Laws Chapter 40A. The McManus Family Trust ("McManus") as the fee owner joins in this application only for the purpose of giving its consent. The Applications were filed in connection with the Applicant's plan to redevelop the premises located at 281 Concord Street (the "Premises" or "Project Site"), including the renovation and expansion of the existing building thereon (the "Project"). The renovated building will contain approximately 1,700 square feet to be used for retail purposes. The Applicant proposed to provide six (6) parking spaces, including one (1) handicapped space. The Premises is part of the property shown on Framingham Assessor's Map 54, Block 109, Lots 1, 11 and 14, zoned neighborhood Business District, as a result of a change in the Zoning Map. The proposed Project will have a Floor Area Ratio of .21%.

With respect to the Applications for Site Plan Approval and a Special Permit for Reduction in the Required Number of Parking Spaces, following publication of a hearing notice in The Framingham Tab on January 3, 2003 and January 10, 2003, and the mailing of notice to parties in interest under the By-law and M.G.L.c. 40A, the Planning Board opened the public hearing on January 21, 2003. Continued sessions of the public hearing were held on February 4 and February 25, 2003, at which time the Planning Board closed the public hearing.

The Applicant has filed with the Planning Board all plans and reports required under Sections IV.I.5, V.E and other applicable provisions of the By-law. During the review process, the Applicant and its professional consultants also submitted various revisions to the same in response to requests by the Planning Board and by the various Town of Framingham Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference. Included with the Applicants' submittal were the following:

1. Applications for Site Plan Approval and for a Special Permit for Reduction in the Required Number of Parking Spaces, dated October 31, 2002, and filed with the Town Clerk and the Planning Board on December 4, 2002.
2. Site Development Plan including Existing Conditions Plan prepared by Robert Drake, dated June 11, 2002, with revisions through November 1, 2002. And Site plan sheets C-1 and A-3 dated May 31, 2002 revised Jan. 20, 2003 prepared by JGA Architecture.

The Planning Board also received correspondence from the Fire Department, Department of Building Inspection, Department of Public Works, the Engineering Department, Police Department and the Planning and Economic Development Department. This correspondence is contained in the Planning Board's files and is hereby incorporated in this Decision by reference.

HEARING

During the course of the public hearing, the following individuals made appearances on behalf of the Applicant: Peter R. Barbieri, Law Office of Peter R. Barbieri.

Trust representatives explained that the Premises known as 281 Concord Street is bounded on the north by the Lawrence Street, on the east by a multi family residence and on the west by Concord Street and on the south by an office building and residence. The Premises Site is shown on the Framingham Assessor's Map 54, Block 109, Lots 1, 11 and 14. The Premises Site consists of approximately 6,000 square feet of land. The Premises Site is currently occupied by a 1,700 square foot building, which was formerly used as a repair station. The building located at the Premises Site is one story with one (1) front entrance.

Trust representatives provided information indicating that the Premises is owned by The McManus Family Trust. The Premises were last used as an auto repair facility.

Trust representatives explained its plans to renovate the existing building consisting of 1,700 square feet of space (the "Project"). Trust proposes to construct six (6) parking spaces, including one (1) handicapped space. A loading space is also proposed.

According to the plans submitted the reconstructed parking lot will have manicured landscaped area. Pavement will also be removed to increase the landscaped area on the Site. The applicant submitted a memorandum entitled Site Plan Changes, which included a list of plants and a sketch of the proposed landscaping. The Applicants seek three (3) waivers: (1) a reduction in the required landscape surface ratio in accordance with Section IV.G.2 of the By-law; (2) a reduction in the depth of the buffer along a street requirement set forth in Section IV.K.8.f.; and (3) a reduction in the landscaping areas required adjacent to buildings as set forth in Section IV.K.8.i.

The Premises is presently accessed via Concord and Lawrence Streets. The plans depict the closing of the Lawrence Street access.

FINDINGS

Having reviewed all plans and reports filed by the Applicants and its representatives, considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project, considered the reports and testimony from the Planning Board's consultants, considered the comments of members of the public attending the public hearings and viewed the Project Site, the Planning Board determines that the Application comply with the requirements of Sections IV.I and V.E of the By-law, and Massachusetts General Laws Chapters 40, § 15C and 40A.

Additionally, the Board makes the following finding:

Parking Standards and Appropriate Facilities: §§ IV.I.6(e) and V.E.3(a)(2).

The Board finds that the Project proposes a parking layout which substantially complies with the requirements of §§ IV.I.6(e) and V.E.3(a)(2) of the By-law.

The Board finds that prior to renovation, the Project Site contained ten (10) standard parking spaces. The Board finds that the provision for six (6) parking spaces will adequately serve the proposed use of the Premises.

CONDITIONS OF APPROVAL

The Board finds that the Applications and plans submitted by the Applicants comply with the applicable requirements of Sections IV.I. and V.E of the By-law, and Massachusetts General Laws chapter 40A. Accordingly, the Board votes to grant the application for Special Permit for Reduction in the Required Number of Parking Spaces and Site Plan Review Approval under Section IV.I.2.a.

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Office Staff to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hours written notice. If the activity at the Project Site ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and business phone number of the individual who shall be responsible for all activities on site.
4. A copy of this Decision shall be kept at the Project Site.
5. All plans shall be revised to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the plans, the Decision shall take precedence over the submitted plans.
6. No corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for modification of this approval shall be made in writing to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Members or agents of the Planning Board shall have the right to enter the Project Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Project Site for these purposes shall comply with all safety rules, Regulations and directives of the Applicant and the Applicant's contractors.

8. The Applicant shall record this Decision with Exhibit A. at the Middlesex South Registry of Deeds within 60 days from the date the executed Planning Board Decision is filed with the Town Clerk and shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. If applicable, the Applicant shall secure from the Framingham Board of Selectmen any approval required for work on Town Streets.

Infrastructure/Site Design/Landscaping

10. Prior to issuance of a permanent Certificate of Occupancy, the Applicant shall substantially complete the landscaping improvements, as described in The Site Plan Changes Memorandum. In the event that the landscaping is not completed by the time an occupancy permit is requested, the Planning Board shall require a performance guarantee in an amount sufficient to complete the landscaping plans.

All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled plant annual maintenance including but not limited to removal of winter damage, edging and weeding of mulched areas, re-mulching of beds and tree pits, fertilization as indicated by soil testing, necessary weed control, necessary pest control, timely mowing of turf, pruning, replacement of dead trees and plants with those of similar variety and size as in the approved landscape plan. Mulch beds shall extend no greater than one foot from the edge of plants. Trees shall be limbed up to a maximum height of seven feet only. Any guy wires for staked trees shall be adjusted regularly to insure that trees remain plumb. Pruning shall be limited to that which is necessary to maintain the health and natural shape of the plants. To the extent possible, existing trees in unimproved areas on the site shall be pruned when necessary to maintain their health and appearance. The Planning Board, by majority vote, may request an opinion from the Board's Landscape Architect about the condition of plantings and may require the replacement of plants based on this opinion. Litter and debris in the parking lots, landscape and buffer areas shall be removed at least weekly to maintain a neat and orderly appearance.

11. The Applicant shall supply regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (Spring and Fall) and cleaning, if necessary, to remove sediment.
12. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
13. Any free standing signs will be integrated with landscaped areas.
14. New light poles installed in landscaped areas shall be at least three feet away from curbing and shall be on foundation bases flush with the ground and shall not to exceed a total pole height of 20 feet. Light poles shall have cutoff type fixtures designed to minimize glare and spillover. Any exposed light pole bases higher than 2 inches over

finished grade shall be stained to match light poles. Metal conduits on telephone poles shall be painted to match the pole. The Applicant shall place seven day timers on all parking lot light poles set to turn off within one hour following closing time.

- 15. The Applicant shall screen all roof mounted utilities on all sides to the extent shown on the Architectural Plans.

Environment

- 16. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
- 17. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control and the Framingham Conservation Commission, using Best Management Practices as the standard of performance.

Fire Protection

- 18. The Applicant shall comply with all of the requirements of the Framingham Fire Department.

Site Construction

- 19. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.
- 20. The Applicant shall perform daily clean up of construction debris, including soil, on Town Streets within 200 yards from the entrance of the site driveways, caused by the site construction.

Miscellaneous Provisions, Periodic Conformance Reporting and Review

- 21. Prior to the request for issuance of an occupancy permit, the Applicant must demonstrate that the Project is substantially complete at the 90% level. To demonstrate substantial completion to allow for occupancy, Applicant must submit a written request for an occupancy permit which must be accompanied by a written itemization of the level of completeness for all improvements and note those items which are incomplete. The written request for either a permanent or a temporary occupancy permit must be accompanied by appropriate information to demonstrate substantial completion and must be submitted three weeks prior to issuance of the certificate of occupancy.
- 22. Prior to the issuance of a final occupancy certificate, the Applicant shall submit an as-built plan stamped by a professional engineer certifying that all improvements are completed in accordance with the approved plan.
- 23. In the event that the Applicant seeks to perform dry cleaning on the Premises, the Applicant shall obtain all necessary permits for the change in operations.

WAIVERS:

In view of the reasons set forth in this Decision, the Planning Board agrees to accept the plans as drafted and to waive applicable provisions of the By-law including, but not limited to, the following requirements:

1. A waiver from the provisions of Section IV.G.2 of the By-law allowing reduction in the required landscape surface area.

Vote: 5 in favor, 0 opposed

2. A waiver from the provisions of Section IV.K.8.f. of the By-law allowing reduction in the depth of the landscape buffer.

Vote: 5 in favor, 0 opposed

3. A waiver from the provisions of Section IV.K.8.i allowing the Applicant to provide landscaping as shown on the Landscaping Plan reducing the landscaped areas required adjacent to public portions of the building.

Vote: 5 in favor, 0 opposed

2003 APR 13 P 12:10

VOTE:

The vote in favor of granting the Application the Special Permit for Reduction in the Required Number of Parking Spaces and Site Plan approval under Section IV.I.2.a. for L.C. Realty Trust to redevelop the Project Site located at 281 Concord Street, including the renovation of the existing building for retail sales use, with such building to have a gross floor area of approximately 1,700 square feet; to construct a six (6) space parking lot, including one (1) handicapped space; and to establish new landscaping at 281 Concord Street, said Premises being shown on Framingham Assessor's Map, Sheet 54, Block 109, Lots 1, 11, and 14 is as follows:

Special Permit for Reduction in the Required Number of Parking Spaces and Site Plan Approval under Section IV.I.2.a

Susan Bernstein..... Yes
Thomas F. Mahoney..... Yes
Ann V. Welles..... Yes
Helen Lemoine..... Yes
Laurence W. Marsh..... Yes

By: Helen Lemoine
Helen Lemoine, Chairperson
Framingham Planning Board

4/3/03
Date of Signature

L.C Realty Trust accepts and agrees to comply in all respects with the foregoing conditions of approval to its Application Special Permit for Reduction in the Required Number of Parking Spaces and Site Plan Approval under Section IV.I.2.a. to redevelop the Project Site located at 281 Concord Street, including the renovation and expansion of the existing building for retail sales use, with such building to have a gross floor area of approximately 1,700 square feet; to construct a six (6) space parking lot, including one (1) handicapped space; and to establish new landscaping at 281 Concord Street, said Premises being shown on Framingham Assessor's Map, Sheet 54, Block 109, Lots 1, 11 and 14. It is understood that these approvals and the Conditions contained herein, shall be binding upon any heirs, successors, transferees or assigns of the Applicant and shall run with the land.

In addition, we recognize that, in accordance with Section V.C. of the By-Law, the Planning Board must acknowledge its approval prior to the issuance of any temporary or permanent occupancy permit for this proposed Project from the Building Commissioner. To ensure compliance with the provisions and intent of section V.C., the Applicant agrees to notify the Building Department and the Planning Board at least three (3) weeks prior to applying for any such occupancy permit, to request the Town's inspection of the Premises to confirm that all improvements as prescribed in the above Conditions and as shown on the approved plans have either been completed or are the subject of an adequate performance bond.

L.C. REALTY TRUST

Ken Preston
By: Ken Preston Trustee

3-11-03
Date of Signature:

Exhibit A

SITE PLAN CHANGES

The following information takes precedent over the details shown on the plans entitled "Regal Cleaners No. 281 Concord Street, Framingham, Mass." prepared by Drake Associates, Inc. dated June 11, 2002 and Site Plans dated May 31, 2002 prepared by JGA Architecture (C-1 and A-3).

- 1) The location of the fence along Lawrence and Concord Streets shall be setback approximately three feet from the parking lot edge of pavement.
- 2) The landscaping as shown on the aforementioned JGA Plans shall be modified as to include the following, substantially as shown on the attached sketch:
 - a) Along the southerly property line clusters of Bayberry and Inkberry Shrubs shall be installed along with three Upright Hornbeam or Maple Trees.
 - b) Along Concord Street, at the southeast corner shall be installed a Dogwood with a number of Rhododendrons. Along Concord Street there will be a series of clusters of Yews, PJM Rhododendrons, Inkberry and Dwarf Spirea Shrubs along with Perennials.
 - c) Along Lawrence Street shall be installed clusters of Rhododendron, Dwarf Burning Bush, Upright Azaleas, Boxwoods and a mix of Potentilla along with Perennials.
- 3) Grass shall be maintained in all landscaped areas with the exception of areas within six inches of the tree, shrub and perennials plantings.
- 4) The Fence Sections identified as wood shall be vinyl and the fence section along the easterly property line shall be tongue and groove not picket.



2014 MAR 21 P 2: 42

TOWN CLERK
FRAMINGHAM

**Town of Framingham
Massachusetts
Zoning Board of Appeals**

**Memorial Building
150 Concord Street, Room B2
Framingham, Massachusetts 01702-8325**

Tel: 508-532-5456

BOARD OF APPEALS CASE NO. 14-12

PETITION OF PMLRA PIZZA, INC

DATE OF DECISION: MARCH 11, 2014

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the application of PMLRA PIZZA, INC for property located at 281 CONCORD STREET. This Decision is in response to an application for a Special Permit to operate a fast food establishment (hereinafter the Application).

2. Applicant

PMLRA Pizza, Inc.
15 Bassin Lane
Scituate, MA 02066

Property Owner

E.M. Gonfrade, Trustee of the L.C. Realty Trust
281 Concord Street
Framingham, MA 01702

3. Location

Property is located at 281 Concord Street and is shown on Assessors' Plan Sheet 54, Block 109, as Lot 1 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on March 11, 2014, the Board voted to GRANT a SPECIAL PERMIT by a unanimous vote of three (3) members sitting on the Application. The record of the vote on each request is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
SUSAN CRAIGHEAD	YES
STEPHEN MELTZER	YES

5. Proceedings

The Application was received by the Board on February 3, 2014 pursuant to MGL, Ch. 40A, § 9, and the Framingham Zoning By-Law. The Applicant presented the Application to the Board at a duly noticed public hearing of the Board on March 11, 2014 at 7:45 P.M. in the Blumer Community Hearing Room of the Memorial Building. Board Members Philip R. Ottaviani, Jr., Susan Craighead, Stephen Meltzer, and Alternate Bob Snider were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

Dedicated to excellence in public service.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on February 6, 2014.
 - 6.2 Filing fee in the amount of \$500.00
 - 6.3 Application filed with the Building Official on January 6, 2014 for a permit to operate a fast food establishment.
 - 6.4 Memorandum in Support of Petition stamped "Received" on March 11, 2014 by the Zoning Board of Appeals.
 - 6.5 Site Plan entitled "As Built Site Plan in Regal Cleaners No. 281 Concord Street Framingham, Mass" prepared by Drake Associates Inc. dated March 30, 2004 (one site plan with two enlarged portions).
 - 6.6 Interior layout titled "Project #2901 Schematic Design for a Domino's Pizza" prepared by Jason D Gnich Architect dated 01/30/2014.
 - 6.7 Architectural renderings entitled "Proposed Domino's Pizza - 281 Concord Street, Framingham Massachusetts" prepared by Gnich Architecture Studio dated March 11, 2014.
- Exhibits 6.5, 6.6 and 6.7 shall be hereinafter referred to as the "Plan."

7. Findings and Conclusions

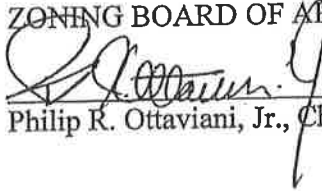
Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

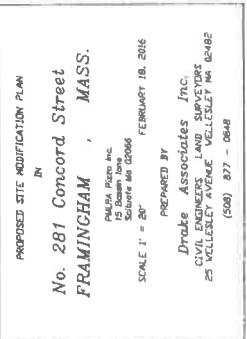
- 7.1 The property is located within the Neighborhood Business (B-1) zoning district.
- 7.2 On January 6, 2014, the Building Official denied the Applicant's request for a permit under Section III.C.1.c.9 of the Zoning By-Law.
- 7.3 On February 6, 2014, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Special Permit from the Zoning By-Law.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11, on February 24 and March 3, 2014.
- 7.5 The Applicant is before the Board for a Special Permit to operate a fast food establishment. The fast food establishment would be a Domino's restaurant relocated from its current Frederick Street location. The existing building would be renovated and 200 square feet of landscaping would be paved to increase parking.
- 7.6 Operating hours would be Sunday through Thursday 11:00 AM-midnight and Friday and Saturday 11:00 AM-1:00 AM.
- 7.7 Subject to the conditions stated in this Decision, the Board finds that the following conditions of approval of a Special Permit have been met:
 - 7.7.1 The specific site is an appropriate one for such a use or structure. The use of the parcel will remain as a commercial use. A fast food establishment is an appropriate use for the Neighborhood Business zone.
 - 7.7.2 Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including adequate off-street parking. Parking will be increased from

- the existing amount. The Applicant will need a Special Permit for reduction in parking from the Planning Board.
- 7.7.3 The use or structure as developed will not create a hazard to abutters, vehicles, or pedestrians. The proposed use and structure does not pose hazards to abutters, vehicles, or pedestrians.
- 7.7.4 The use or structure is consistent with the Intent of the district in which the use is proposed, and with the Purpose and Intent of this By-Law. The proposed use is a small business located in close proximity to residential areas, which is the intent of the Neighborhood Business zone.
- 7.7.5 All municipal services necessary to meet the needs of the proposed use must be adequate and sufficient. Municipal services are adequate and sufficient.
- 7.8 The Board grants this Special Permit subject to the following conditions:
- 7.8.1 The proposed establishment shall be developed as shown on the Plan.
- 7.8.2 The hours of operation shall be: Sunday – Thursday 11:00 am – Midnight, Friday and Saturday 11:00 am – 1:00 am.
- 7.8.3 The existing level of landscaping shall be maintained with the exception of the 200 square foot area being converted to parking.
- 7.9 Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.10 If the rights authorized by this Special Permit are not exercised within two years of the date of the filing of this Decision with the Town Clerk, said Special Permit shall lapse. If construction or substantial use has not commenced within this two year period, the Applicant may request an extension by submitting a written application to the Board which contains an explanation of good cause for the failure to exercise the rights of this Special Permit. A written request for an extension must be submitted to the Board at least 30 days prior to the expiration of the two year period.
- 7.11 This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.12 The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Framingham.

8 Appeals

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS
By: 
Philip R. Ottaviani, Jr., Chairman



Existing Conditions				144' RCN			
Proposed Conditions				RCN			
Bluff & Embankment	2,500sf (2,230sf)	10'	20'	3,023	10'	20'	3,023
Working	2,500sf (2,230sf)	10'	20'	7,644	10'	20'	7,644
Landscaping	2,500sf (2,230sf)	10'	20'	4,530	10'	20'	4,530
Total				14,197	14,197	14,197	14,197
Net RCN				14,197	14,197	14,197	14,197
Proposed Conditions				Net RCN			
Bluff & Embankment	2,500sf (2,230sf)	10'	20'	3,023	10'	20'	3,023
Working	2,500sf (2,230sf)	10'	20'	7,644	10'	20'	7,644
Landscaping	2,500sf (2,230sf)	10'	20'	4,530	10'	20'	4,530
Total				15,197	15,197	15,197	15,197
Net RCN				15,197	15,197	15,197	15,197

Existing Conditions				RCN			
Proposed Conditions				RCN			
Bluff & Embankment	2,500sf (2,230sf)	10'	20'	3,023	10'	20'	3,023
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